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Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Report of the Fifth Committee

Rapporteur: Mr. Jan Piotr **Jaremczuk** (Poland)

I. Introduction

1. At its 3rd plenary meeting, on 17 September 1999, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-fourth session the item entitled "Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994" and to allocate it to the Fifth Committee.

2. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General containing the fourth annual budget performance report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 (A/54/496 and Corr.1);

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(b) Report of the Secretary-General containing the proposed resource requirements for 2000 for the financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 (A/54/521);

(c) Note by the Secretary-General transmitting the report of the Office of Internal Oversight Services on the follow-up to the 1997 audit and investigation of the International Criminal Tribunal for Rwanda (A/52/784);

(d) Note by the Secretary-General on the conditions of service for the judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda (A/C.5/54/30);

(e) Report of the Advisory Committee on Administrative and Budgetary Questions on the proposed requirements for the International Criminal Tribunal for Rwanda for 2000 (A/54/646 and Add.1).

3. The Fifth Committee considered the item at its 45th, 46th and 48th meetings on 10, 13 and 17 December 1999. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/54/SR.45, 46 and 48).

II. Consideration of draft resolution A/C.5/54/L.26

4. At the 48th meeting, on 17 December, the representative of Pakistan, Vice-Chairman of the Committee and coordinator of the informal consultations on the item, introduced a draft resolution entitled "Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994" (A/C.5/54/L.26).

5. At the same meeting, the Committee adopted draft resolution A/C.5/54/L.26 without a vote (see para. 6).

III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

The General Assembly,

Taking note of the report of the Secretary-General on the financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other

Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

Recalling its resolution 49/251 of 20 July 1995 on the financing of the Tribunal and its subsequent resolutions thereon, the latest of which was resolution 53/213 of 18 December 1998,

Taking note of the budget performance report for the Tribunal for 1998[3] and the comments of the Advisory Committee thereon,

1. *Deeply regrets* the delay in the submission of the report of the Secretary-General on the financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994,[1] as well as the failure to submit to it the report of the expert review group on the effective operation and functioning of the International Criminal Tribunal for Rwanda and the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 as requested in its resolution 53/213;

2. *Notes* with concern that, owing to the late submission of the report on the financing of the Tribunal, the General Assembly did not have adequate time to properly consider it;

3. *Requests* that future reports on the financing of the Tribunal be submitted by 1 October of the year in which they are considered;

4. *Requests* the Secretary-General to issue, as a matter of priority, the report of the expert review group in the six official languages of the United Nations;

5. *Also requests* the Secretary-General to obtain comments and observations from the Tribunal on the report of the expert review group, and to submit them, through the Advisory Committee on Administrative and Budgetary Questions, to the General Assembly for consideration at its resumed fifty-fourth session;

6. *Further requests* the Secretary-General to further improve the workload indicators and to use them, as much as possible, as the basis to support the resources requested in the budget estimates;

7. *Approves* the recommendations of the Advisory Committee[4] on the report of the Secretary-General on conditions of service for the judges of the Tribunals[5] concerning the establishment of a lump-sum payment for survivors of the judges;

8. *Also approves* the budgetary recommendations of the Advisory Committee as contained in paragraph 71 of its report,[6] subject to the provisions of the present resolution;

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[1] A/54/521.

[2] A/54/646 and Add.1.

[3] A/54/496 and Corr.1.

[4] A/54/646, para. 75.

[5] A/C.5/54/30.

[6] A/54/646.

9. *Decides* to appropriate, on a provisional basis subject to further review at its resumed session, to the Special Account for the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 a total amount of 86,154,900 United States dollars gross (78,170,200 dollars net) for the year 2000;

10. *Also decides* that the financing of the appropriation for the year 2000 under the Special Account shall take into account the amount of 2,000,000 dollars gross (1,816,000 dollars net), being the estimated unencumbered balance as at the end of 1999 after absorption of overexpenditure recorded as at the end of 1998 for the biennium 1998-1999, which shall be set off against the aggregate amount of the appropriation, as detailed in the annex to the present resolution;

11. *Further decides* to apportion the amount of 42,077,450 dollars gross (38,177,100 dollars net) among Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year 2000;

12. *Decides* to apportion the amount of 42,077,450 dollars gross (38,177,100 dollars net) among Member States in accordance with the scale of assessments applicable to peacekeeping operations for the year 2000;

13. *Also decides* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 11 and 12 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 7,800,700 dollars approved for the Tribunal for the year 2000;

14. *Welcomes* contributions already made to the Voluntary Fund to support the activities of the Tribunal, and invites Member States and other interested parties to make further voluntary contributions to the Tribunal;

15. *Decides* to continue consideration of this item during its resumed fifty-fourth session.

Annex

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

	Gross	*Net*
	(United States dollars)	
Appropriation for the year 2000	86 154 900	78 170 200
Less		
Estimated unencumbered balance at the end of 1999 after absorption of overexpenditure recorded as at the end of 1998	(2 000 000)	(1 816 000)
Balance to be assessed for the year 2000	84 154 900	76 354 200
Including		
Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year 2000	42 077 450	38 177 100
Contributions assessed on Member States in accordance with the scale of assessments applicable to the peacekeeping budget of the United Nations for the year 2000	42 077 450	38 177 100